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# Big Bend National Park

## Commercial Filming & Photography

### Permit Guidelines

The National Park Service (NPS) is mandated to “conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations.” (16 U.S.C. 1) For this purpose the Department of the Interior developed RM-53, which governs filming, photography and sound recordings in National Parks. Under these guidelines NPS units have the authority and responsibility to manage, permit and/or deny filming, photography and sound recordings in ways consistent with park management and mission.

It is the policy of the NPS to allow commercial photography, still photography, filming and sound recordings to the fullest extent possible while providing for the protection of park resources and ensuring the enjoyment of those resources by park visitors.

Permits are required for any project that generates an electronic media, film, still photography or video production for television, the motion picture industry, public interest or private multi-media which consists of production crews and vehicles, broadcast equipment, props/sets, talent/actors, construction, trailers, housing, animals, or aircraft. Projects may involve feature films, documentaries, game shows, soaps operas, shopping networks, religious telecasts, talk shows, docu-dramas, travelogues, commercials, infomercials, public TV presentations, or DVD's, CDs, CD-Roms or videos for training, sales, education, promotions, entertainment, etc.

Private individuals engaged in photography for their own personal use and enjoyment generally do not need a film permit. Commercial still photography does require a permit and may be subject to additional permit fees when:

1. the activity takes place at location(s) where or when members of the public are generally not allowed; or
2. the activity uses model(s), sets(s), or prop(s) that are not a part of the location's natural or cultural resources or administrative facilities; or
3. Park would incur additional administrative costs to monitor the activity.

Normally, the filming of breaking news events will not require a permit. **Breaking news is defined as an event that cannot be covered at any other time or location.** Photographers of breaking news events or documentaries involving breaking news events and sound technicians working with news photographers are exempt from the permit requirements, if no advertising, and no set, props, or models are used and there is no restrictions and/or conditions necessary to protect park resources and public health and safety, and to prevent derogation of park resources and values. The determination of what is considered to be breaking news is at the discretion of the Public Information Officer or his/her representative. Documentaries filmed specifically for sale to a news station or educational channel are considered a commercial venture and require a permit. News media crews, when not covering newsworthy/newsmaking events, but shooting human interest, staged events, or other topics are required to obtain a permit before proceeding with filming.

## FILMING APPLICATION

If you plan activities that require a permit, the attached Filming Application, must be completed and returned to the Public Information Officer or his/her representative. It is important that your response be as detailed as possible concerning your proposed activity. For example, we must know how long you propose to film, photograph or record, where you propose to film, photograph and/or record, the type of equipment to be used, and any proposed special effects. You are also encouraged to attach copies of storyboards or scripts.

**You will not be permitted to arrive and then select locations on the day of shooting.** If you are not familiar with the park, we highly recommend an advance trip to scout locations.

The information on the application will be used by NPS staff to evaluate the impact of the proposed activity on park resources and visitors. It may require several weeks to review the request and tender a decision. Due to the lack of park staff available to assist with scouting, monitoring, consulting, providing interviews, etc. it may be necessary to allow only one crew in the park at a given time. Applications are handled in the order in which they are received. **Priority will not be given to urgent requests.**

Filming applications will be returned to the applicant if submitted incomplete, cannot be approved as submitted, or are received without payment or without a social security or Federal Tax Identification Number. This may delay the consideration of a permit.

## COSTS

A \$150 non-refundable administrative processing charge is required for all applicants and must be received before a permit will be considered regardless of whether or not a permit is ultimately issued. This charge covers three hours of staff time to process the application. Additional charges may be incurred if the permit application process requires over three hours of staff time. Checks are to be made payable to the NATIONAL PARK SERVICE.

If your request is approved, and depending upon the size and scope of the project, we may determine that it is necessary to have NPS staff monitor permitted activities. Rates are calculated at \$50/hour/permit monitor, and are not prorated. **Also, if at the request of the Permittee, NPS staff assists with permitted activities, in such ways as scouting, monitoring, consulting, providing interviews, etc., the Permittee shall be billed \$50/hour.** All charges will include travel time to and from filming location(s).

A minimum daily charge of \$100 will be applied for each NPS representative required/requested for the filming project. Payment will be made in the form of a check made payable to the NATIONAL PARK SERVICE.

The National Park Service is authorized to collect two fees; cost recovery and a location fee. Cost recovery includes an application fee which must be submitted with your application as stated above as well as a charge to cover the costs incurred by the National Park Service in processing your request and monitoring your permit. This amount will vary depending on the size and complexity of your permit.

In addition, the National Park Service has been directed by Congress to collect a fee to provide a fair return to the United States for the use of park lands. The National Park Service uses the following fee schedule:

Commercial Filming/Videos		Still Photography	
1 - 2 people, camera & tripod only	\$0/day		
1 - 10 people	\$150/day	1 - 10 people	\$50/day
11 - 30 people	\$250/day	11 - 30 people	\$150/day
31 - 49 people	\$500/day	Over 30 people	\$250/day
Over 50 people	\$750/day		

### **Are there other permit requirements?**

You will be required to obtain liability insurance naming the United States as additionally insured in an amount commensurate with the risk posed to park resources by your proposed activity. You may also be asked to post a bond to ensure the payment of all charges and fees and the restoration of the area if necessary.

Failure to make payment in full to the National Park Service within 30 calendar days from the date a Bill for Collection is issued may result in referral of your debt to the Internal Revenue Service and the U.S. Treasury for further collection action. Your delinquent account may also be announced to other NPS units, which may result in the denial of future or revocation of existing permits issued by NPS units.

### **INSURANCE**

If your request for a permit is approved, a certificate of insurance **issued by a United States company** will be required showing general liability coverage commensurate with risks involved in the project proposed. General commercial liability insurance will help protect the Government from judgments connected with injury or damage resulting from the actions of the Permittee or his/her agents, contractors or employees. One million dollars (\$1,000,000) is the usual minimum; however, the Public Information Officer or his/her representative is authorized to increase this amount for certain high-hazard situations. This certificate must name the United States Government, National Park Service as an additional insured. We require an original certificate for our files.

### **BOND**

A performance bond may also be required, in the form of a certified check, traveler's check, or cashier's check. The amount of the bond will be determined from the information provided on the worksheet. This bond will be returned to you, upon completion of filming, if all conditions of the permit have been met and the resource has not been damaged.

The Public Information Officer or his/her representative has the option to waive the bond requirement if s/he anticipates that no resource damage is likely to occur, or that the activities permitted will not require any cleanup.

In addition, any resource damage is also subject to cost recovery and or citation per 16 United States Code 19jj.

### INTERNATIONAL BORDER

Projects involving locations along the Rio Grande involve the international border with Mexico and will require prior approval from the Department of Homeland Security –Bureau of Customs and Border Protection if any filming is to be done on the Mexican half of the river. Additionally, projects involving animals on the international border will require oversight from and compliance with all quarantine or other regulations as specified by the U.S. Department of Agriculture. The National Park Service will not issue any permit for projects involving international crossings along the river without the full and **prior written** approval of any agency having responsibility for border regulations.

### PERMIT

All projects will be reviewed to ensure protection of the park's resources and values, and that no disruption of normal visitor use will occur. A permit within areas administered by the NPS may be denied or revoked if the project:

- 1) poses a threat to the park resources;
- 2) places unreasonable burdens on supervisory capacity of the park staff;
- 3) an emergency situation should occur requiring staff monitoring a film permit;
- 4) would conflict unduly with the public's normal use;
- 5) the Permittee fails to obtain insurance, or to agree to pay assessed cost recovery;
- 6) the project depicts activities that are not permitted within the park.

In addition, a permit may be revoked if the Permittee fails to comply with the permit and/or conditions as written.

Once issued, the permit must be reviewed and signed by the Permittee and the Public Information Officer or his/her representative. Permittee will be provided a signed copy of the permit and must have it in possession at all times when filming, photographing and/or recording sound in the park

Notification of delays, schedule changes, or cancellations must be provided to the Public Information Officer or his/her representative **at least 24 hours** in advance of filming, photographing and/or recording sound. Should the Permittee fail to provide advance notification, the Permittee is responsible for paying all costs incurred by the NPS. These charges will be, at a minimum, \$100 for each NPS staff person scheduled. This amount will be requested from the Permittee before any filming, photography and/or sound recording may ensue. Any schedule changes must be approved by the Public Information Officer or his/her representative and rescheduled according to **NPS** staff availability.

Park staff shall not sign location releases supplied by applicants.

To apply for a permit, please return the completed application with the \$150 application fee to the address below. Faxed copies of the application may be submitted, but the permit will not be considered approved until the park has received payment of all application costs, insurance certificate and/or bond if required. Upon review of the application, additional estimated staff costs, if any, will be provided to the Permittee.

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Film Permit Coordinator  
P.O. Box 129  
Big Bend National Park, Texas 79834  
432-477-1107

To return application materials via Federal Express, please use the following physical address:

Film Permit Coordinator  
1 Panther Junction  
Big Bend National Park, Texas 79834  
432-477-1107